
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-1241-JST (ANx)

Date: September 4, 2012

Title: Jennifer Tryon v. The Lincoln National Life Insurance Company, et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Dwayne Roberts
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

The Court may raise the issue of subject matter jurisdiction at any time, sua sponte. *See U.S. Catholic Conference v. Abortion Rights Mobilization*, 487 U.S. 72, 79 (1988). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). In the Complaint before the Court, Plaintiff invokes this Court’s subject matter jurisdiction on the basis of diversity. (Compl. ¶ 5, Doc 1.)¹ However, Plaintiff fails to properly allege the citizenship of Defendant. Under § 1332, a corporation is a citizen of the state in which it has been incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c). As Plaintiff merely alleges that Defendant is an Indiana corporation, (Compl. ¶ 2), Plaintiff has not established that the parties are diverse as required by 28 U.S.C. § 1332.

For the reasons set forth above, the Court orders that Plaintiff shall show cause as to why the Court should not dismiss the case for lack of subject matter jurisdiction. Plaintiff shall submit a written response no later than **September 17, 2012**. Failure to timely respond will result in immediate dismissal of this action.

¹ Plaintiff alleges federal “jurisdiction pursuant to 28 U.S.C. section 1132 because Tryon and [Defendant] are citizens of different states . . . and the amount in controversy exceeds \$75,000.” (Compl. ¶ 5.) 28 U.S.C. § 1132 is not a provision of the United States Code.

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Initials of Preparer: ____dr____